IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 7125 of 2000

Between:

T.Pinky, D/o T.Bapaiah,
C/o Tccast Foundry, Vijayawada-521 104.

..... PETITIONER

AND

1 The State of Government of A.P., Rep by its Secretary,

Education Department, Secretariat, Hyderabad.
2 A.P. State Counsel of Higher Education, Rep by its Secretary,
Saifabad, Hyderabad.
3 Narjuna University, Rep by its Registrar,
Narjuna Nagar, Guntur District.
4 V.R.Siddharatha Engineering College, Rep by its Principal,
Kanur, Vijayawada-520 007.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order of Writ of Mandamus declaring the action of the respondents in cancelling the admission of the petitioner into 1st year B.Tech. course for the academic year 1999-2000 in the 4th Respondent's college on the ground that the petitioner has not secured first division in the groups in Intermediate Examinations as illegal, arbitrary, violative of the petitioner's rights guaranteed under Article 14 of the Constitution of India and consequently declare the elgibility criteria contained in G.O.Ms.No.256 dt.17-11-1993 in so far as it stipulates a constitutional and arbitrary.

Counsel for the Petitioner : M/s. C.KODANDA RAM

Counsel for the Respondent No.1 : GP FOR HIGHER EDUCATION

Counsel for the Respondent No.2 : Mr. K.Ramesh Babu

Counsel for the Respondent No.3 : Mr. Koka Raghava Rao

Counsel for the Respondent No.4 : ---

The Court made the following :

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ORDER :

The petitioner herein was admitted to First Year B.Tech. course in fourth respondent college, in a seat which was earmarked for NRI quota. By proceedings dated 22-4-2000 the Principal of the fourth respondent college informed the petitioner that her provisional admission is cancelled for the reason that though she secured First Class in Intermediate, the percentage of marks in group subjects is less than 60% and that the State Council of Higher Education ordered cancellation of the admission of the petitioner. As the Government Order being G.O.Ms.No.256, Education Department, dated 17-11-1993 prescribes the eligibility criteria for the students to be admitted to NRI seats, the petitioner assails the said Government Order.

This Court, while admitting the writ petition, by order
dated 26-4-2000 made in W.P.M.P.No.9405 of 2000 stayed further proceedings pursuant to the communication of the Principal
dated 22-4-2000. It appears, the petitioner had completed the course and results were already declared. It is also brought to my notice that the third respondent University already issued the Degree Certificate to the petitioner. In that view of the matter, any exercise of this Court to adjudicate the *lis* will be academic and this Court refrains from doing so.

The writ petition, therefore, is disposed of in terms of the interim directions. No costs.

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(V.V.S.RAO, J.)

09-09-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The State of Government of A.P., Rep by its Secretary,

Education Department, Secretariat, Hyderabad.
2 A.P. State Counsel of Higher Education, Rep by its Secretary,
Saifabad, Hyderabad.
3 Narjuna University, Rep by its Registrar,
Narjuna Nagar, Guntur District.
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Kanur, Vijayawada-520 007.

5. 2CCs to Government Pleader for Higher Education,

High Court of A.P., Hyderabad.

6. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.7125 of 2000

09-09-2004

(Msr)